IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23587 of 2004

Between:

Vallakatla Veeraiah, s/o Pochaiah,
r/o Metpally Village, Shankarapatnam Mandal,
Karimnagar District.

..... PETITIONER

AND

1 The Superintendent of Police, Karimnagar.
2 The Circle Inspector of Police, Huzurabad, Karimnagar District.
3 The Sub-Inspector of Police, Huzurabad, Karimnagar District.
4 Badugu Janardhan, s/o Shekaraiah,
r/o c/o Vigneshwara Rice Mill, Huzurabad, Karimnagar District.
5 Badugu Damodar, s/o Shekaraiah,
r/o Amudalpally Village, Shankarapatnam Mandal,
Karimnagar District.

.....RESPONDENT(S)

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, writ or order, one in the nature of Mandamus: a) declaring the action of the respondent Nos.1-3 herein in not giving protection to the petitioner's life by discharging their duties properly entrusted to them legally as there is threat to the petitioner's life from the respondent Nos.4 and 5, as arbitrary and illegal; b) directing the respondent Nos.1 to 3 to give protection to the petitioner's life; c) granting all consequential benefits; d) awarding costs to the petitioner

Counsel for the Petitioner:MR.M.RAMA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

The grievance of the petitioner is that the respondents 2 and 3 are not taking any action on the complaint submitted by him. It is stated that he filed O.S.No.43 of 2003 in the Court of Junior Civil Judge, Huzurabad, against respondents 4 and 5, in relation to a property, and obtained an order of temporary injunction in I.A.No.73 of 2003. Alleging that the respondents 4 and 5 have demolished the wall, in violation of the order of injunction, the petitioner submitted a complaint, apart from initiating proceedings under Rule 2-A of Order 39 C.P.C. On behalf of respondents 1 to 3, a counter affidavit is filed stating that Crime No.225 of 2004 was registered on the basis of a reference made by the Court of Judicial First Class Magistrate, Huzurabad, under Section 156(3) Cr.P.C., and as many as 5 witnesses, including the complainant have been examined therein, and that further steps would be taken in accordance with law.

Heard the learned counsel for the petitioner and learned Government Pleader for Home.

The dispute between the petitioner, on the one hand, and the respondents, on the other, is already the subject matter of a suit. They are required to act in accordance with the orders passed by the civil Court, in that suit. The petitioner submitted a complaint under Section 200 Cr.P.C., before the concerned criminal Court, and on a

reference made by it, the respondents 2 and 3 have registered a crime. The investigation is said to be in progress. In that view of the matter, it cannot be said that respondents 2 and 3 remained indifferent.

The writ petition is accordingly disposed of, directing the respondents 2 and 3, to take further steps in the complaint, and to ensure that the orders passed by the civil Court are not violated. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.28-12-2004

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To

1 The Superintendent of Police, Karimnagar.
2 The Circle Inspector of Police, Huzurabad, Karimnagar District.
3 The Sub-Inspector of Police, Huzurabad, Karimnagar District.

4. 2 CCs to G.P. for Home, High Court of A.P., High Court Buildings,

Hyderabad.

5. 2 C.D. copies.